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C O N F I D E N T I A L BAGHDAD 003758

SIPDIS

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TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [IZ](#)

SUBJECT: ELECTION LAW PASSES; SHIA-KURDISH MOVE CLOSER ON CONSTITUTION TEXT

REF: A. BAGHDAD 3750

[B](#). KHALILZAD-SATTERFIELD TELCON

Classified By: Charge David Satterfield for Reasons 1.4 (b) and (d).

[1](#)1. (C) Senior Shi'a Coalition official and Deputy Speaker of the Transitional National Assembly (TNA) Hussein Ibrahim Saleh al-Shahrستاني confirmed to Charge on the evening of September 12 that the Shi'a Coalition (and the Najaf clergy) have agreed to language in the draft constitution regarding the water resource management authorities. Shahrستاني asked Charge to confirm if Kurdish President Masood Barzani had indeed agreed to the same language.

[1](#)1. (C) Later September 12 Charge met with the senior-most Kurdish leader currently in Baghdad, Rowsh Shaways (a KDP Barzani ally), who said he knew nothing about the agreement. He commented, however, that the language appeared reasonable. Shaways then contacted Barzani, who confirmed agreement to the language on water as long as Article 135 specifies that there will be two Deputy Prime Ministers vice an unspecified number of Deputy Prime Ministers (in Arabic, naibain vs. nawab).

[1](#)2. (C) Later in the evening, Charge conveyed Barzani's position on the Article 135 language to Shahrستاني. When Shahrستاني argued for keeping the number of Deputy Prime Ministers unspecified, Charge reminded him that the original text of the draft constitution referred to only two. Shahrستاني acknowledged this had been the case and agreed to meet with Kurdish leader Fouad Masoom September 13 to iron out the details. If these details are fixed, the TNA Constitution Committee will turn the finalized text over to the UNAMI team here to use for the public outreach campaign. Charge urged Shahrستاني to use the occasion of presenting the draft to the Assembly as an opportunity for a resolution of support -- bolstering the status of the constitution in the face of Sunni challenges re: the text's "legitimacy." Shahrستاني said he would work the issue in the Assembly.

[1](#)3. (C) Also on September 12, the TNA passed the election law. It features 230 seats allocated to 18 governorates using the voter registry data from the January election as basis and 45 compensatory seats allocated to a single national district. TNA Deputy Speaker Shahrستاني told us that the law gained votes from the Shia Coalition, the Kurds and even the Iraqi List bloc of former Prime Minister Allawi. TNA Legal Committee Chairman Mushen Sadoon Noah (a Kurd) was similarly pleased and said the draft electoral law enjoyed both Shia and Kurdish party support. During the TNA session, each of the 30 articles were individually read, voted on, and passed. Satterfield